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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,430	02/27/2004	Lauric Macolino	13869.47	7003
7590 02/17/2010				
DANA L. TANGREN 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111				
EXAMINER				
ANDERSON, JOHN A				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
02/17/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/788,430

**Applicant(s)**

MACOLINO, LAURIE

**Examiner**

JOHN A. ANDERSON

**Art Unit**

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. In the amendment filed 02/25/2009, claims 1-2,4-11, and 13-17 are pending and are presented for examination.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless -  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.
3. Claims 10,11,14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark (PGPub 2005/0209950).

4. As regards claims 10 and 15, Clark discloses a method of managing supply chain data in a system comprising a plurality of trading entities coupled to be in communication with a server via a communications network, said method including the steps of:
  - registering a first trading entity with said server as a participant of said system;[0047]
  - registering with said server at least one second trading entity as a trading partner of said first trading entity, said registering performed by said first trading entity;[0049]
  - informing said second trading entity via said server and said communications network that they have been registered by said first trading entity as a trading partner of said first trading entity;[0049-0051]
  - creating a profile associated with each said trading entity, each said profile specifying supply chain data to be communicated to and/or from one or more of said trading entities, each profile accessible by said server;[0008]
  - automatically requesting supply chain data from at least one of said trading entities; and in response to said server receiving said requested supply chain data, communicating data related to said supply chain data to one or more other of said trading entities in accordance with their profile.[0009;0012;0034]
5. As regards claims 11 and 16, Clark discloses further including the step of

specifying a format in which each trading entity receives said data related to said supply chain.[0035]

6. As regards claim 14, Clark discloses further including the step of said first trading entity specifying a plurality of said second trading entities sufficient to establish a complete supply chain.[0049-0050]

#### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1,2,4-7, and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Eicher Jr et al (PGPub 2002/0099598 A1) and in view of Clark G. S. (PGPub 2005/0209950).
9. As regards claim 1 , Eicher Jr discloses a supply chain data management system comprising:
- a first trading entity coupled to be in communication with a server via a communications network, said first trading entity registered with said server as a participant of said system;[0035;0057;0063;0065]
  - at least one second trading entity coupled to be in communication with said server via said communications network, said at least one second trading entity registered with said server by said first trading entity as a trading partner of said first trading entity[0065;0115]
  - a profile associated with each said trading entity, said profile specifying supply chain data to be communicated to and/or from one or more of said trading entities, each profile accessible by said server;[0087]
  - wherein, said server automatically requests supply chain data from at least one of said trading entities and in response to receiving said requested supply chain data, said server communicates data related to said supply chain data to one or more other trading entities in accordance with their profile.[00189]

Eicher Jr does not disclose wherein said server informs said second trading entity via said communications network that they have been registered by said first trading entity following registration of said second trading entity by said first trading entity;

Clark G. S discloses wherein said server informs said second trading entity via said communications network that they have been registered by said first trading entity following registration of said second trading entity by said first trading entity; [0049-0051]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Clark G. S in the device of Eicher Jr. The motivation would have been to establish a trading partner. [0049]

10. As regards claim 2, Eicher Jr discloses wherein each profile for each said second trading entity registered as a trading partner of said first trading entity is created by said first trading entity. [0017]
11. As regards claim 4, Eicher Jr discloses, wherein each profile specifies a format of the supply chain data to be communicated to and/or from said trading entity. [0064]

12. As regards claim 5, Eicher Jr discloses wherein a predetermined time limit for responding to said request for supply chain data is associated with said request, after the expiry of which, if said server has not received said requested supply chain data, a reminder is sent by said server to said trading entity from which said supply chain data was requested.[0124]
13. As regards claim 6, Eicher Jr A discloses wherein said data related to said supply chain data comprises a notification that supply chain data is available via said communications network, the availability of said data to said one or more of said second trading entities being specified by said first trading entity in said profile of said second trading entities. [0090]
14. As regards claim 7, Eicher Jr discloses wherein said supply chain data is communicated by one or more of the following: email, electronic data interchange (EDI), facsimile. [00164]
15. As regards claim 9, Eicher Jr discloses wherein said server is an application server. [0023]
16. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Eicher and in view of Clark (PGPub 2005/0209950) and in further view of Zarefoss K A et al (PGPub 2002/0138324).

17. As regards claim 8, Eicher Jr discloses server communicates data related to said supply chain data to one or more other trading entities in accordance with their profile [0012]

Eicher Jr and Clark does not disclose wherein said supply chain data is one or more of the following: estimated time of manufacture (ETM), arrival time and/or date (ARR), departures time and/or date (DEP), origin, destination, trading participant identity, mode of supply, customs clearance details (CCD), purchase order (PO), estimated time of supply (ETS), packing list (PL), shipper's letter of instruction (SLI), origin pick up details (OPU), house airway bill (HAWB), bill of lading (BOL), master airway bill (MAWB), ocean bill of lading (OBL), manifest details, freight and value (FN) information, invoice, commercial invoice (CI), receipt of shipment (WR).

Zarefoss discloses wherein said supply chain data is one or more of the following: estimated time of manufacture (ETM), arrival time and/or date (ARR), departures time and/or date (DEP), origin, destination, trading participant identity, mode of supply, customs clearance details (CCD), purchase order (PO), estimated time of supply (ETS), packing list (PL), shipper's letter of instruction (SLI), origin pick up details (OPU), house airway bill (HAWB), bill of lading (BOL), master airway bill (MAWB), ocean bill of lading (OBL), manifest details, freight and value (FN) information, invoice, commercial invoice (CI), receipt of shipment

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Zarefoss in the device of Eicher Jr The motivation would have been to support the business needs of a user or a trading partner.

18. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (PGPub 2005/0209950) and in view of Zarefoss K A et al (PGPub 2002/0138324).
19. As regards claim 17, Clark discloses automatically requesting supply chain data from at least one of said trading entities; and in response to said server receiving said requested supply chain data, communicating data related to said supply chain data to one or more other of said trading entities in accordance with their profile. [0009; 0012; 0034]  
  
Clark does not disclose wherein said supply chain data is one or more of the following: estimated time of manufacture (ETM), arrival time and/or date (ARR), departures time and/or date (DEP), customs clearance details (CCD), purchase order (PO), estimated time of supply (ETS), packing list (PL), shipper's letter of instruction (SLI), origin pick up details (OPU), house airway bill (HAWB), bill of lading (BOL), master airway bill (MAWB), ocean bill of lading (OBL), manifest details, freight and value (FN) information, invoice, commercial invoice (CI), receipt of shipment (WR).  
  
Zarefoss discloses Clark discloses wherein said supply chain data is one or more

of the following: estimated time of manufacture (ETM), arrival time and/or date (ARR), departures time and/or date (DEP), customs clearance details (CCD), purchase order (PO), estimated time of supply (ETS), packing list (PL), shipper's letter of instruction (SLI), origin pick up details (OPU), house airway bill (HAWB), bill of lading (BOL), master airway bill (MAWB), ocean bill of lading (OBL), manifest details, freight and value (FN) information, invoice, commercial invoice (CI), receipt of shipment (WR).[0048]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Zarefoss in the device of Clark. The motivation would have been to provide necessary data and information to support the business needs of a user or a trading partner.

### **Response to Arguments**

Applicant's arguments filed on 11/25/2009 have been fully considered but they are not persuasive.

Examiner acknowledges receipt of the certified copy.

Applicant asserts that Clark does not disclose or suggest that the first trading entity registers the second trading entity as a trading partner of the first trading entity.

In response to the claimed limitation "informing said second trading entity via said server and said communications network that they have been registered by said first trading entity as a trading partner of said first trading entity" Examiner cites Clark [0049-0051].

Applicant emphasizes part of the citation "the first trading partner registers its interest in the second trading partner". The Examiner urges the Applicant to utilize the entire citation which discloses "Once two trading partners have agreed that they have an interest in each other, they can proceed with formalizing the relationship. Legal to legal (L2L) communications can proceed through the trading partner server 110. Documents such as non-disclosure agreements can be handled electronically as can all other workflow product.

[0051] The collaborative aspect of day-to-day communication between trading partners (either machine collaborator or human collaborator) is accomplished through the trading partner server 110. The trading partner server 110 provides ongoing translation of each trading partner's business processes into each other trading partner's business processes, and it enforces the business rules specified by each trading partner."

The interest is first expressed by the first trading partner to the potential second partner. Legal to legal communications can proceed through the trading partner server. Documents such as non-disclosure agreements can be handled electronically as can all other workflow products.

Clark makes it abundantly clear how the second trading entity is informed by the form and format of communications being used by Clark.

It should also be clear that the first trading entity initiates communications with the second trading entity and after mutual agreement, the second entity becomes a partner of the first trading entity. They both communicate electronically via the server.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JOHN A. ANDERSON** whose telephone number

is (571)270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John A Anderson/  
Examiner, Art Unit 3694

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Examiner  
Art Unit 3694

/J. A. A./

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Examiner, Art Unit 3694

/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694